

# United Nations slams NZ treatment of Māori and terror laws

The New Zealand government has been presented a list of 64 recommendations from the United Nations resulting from the periodic review of the country's human rights situation concluded in May. Not surprisingly, the recommendations overwhelmingly, if tacitly, acknowledge the on-going structural racism of New Zealand society and the repressive nature of the terrorism legislation.

A number of member countries of the United Nations noted on-going racist violence in New Zealand and that disparities still persist for Māori in education, health, employment, crime statistics and income.

It was also noted New Zealand has not supported the United Nations Declaration on the Rights of Indigenous Peoples because some of the Declaration's provisions were considered incompatible with New Zealand's legal and constitutional arrangements. The UNDRP was drafted by several prominent Māori lawyers so it is more likely

that it was seen to be too politically frightening for the previous Labour government to sign up to rather than it being 'incompatible' with the so-called 'constitutional arrangements'.

Germany recommended dropping the planned amendments to the Terrorism Suppression Act. Unfortunately, these were already passed into law in 2007 with almost unanimous support in Parliament. It broadened the definition of a terrorist act, reduces judicial oversight, allows courts to consider classified information without giving it to defendants and gives the Prime Minister the sole responsibility for designating groups and individuals as terrorists.

The New Zealand State like to give the impression that everything is 'sweet as' when it comes to human rights. The glaring reality is continual State violence against its own people and against Māori in particular.

## Upcoming 'Operation 8' court dates: All dates are at the Auckland High Court

'Pretrial applications' are motions filed by the defendants in the case relating to matters of evidence and the conduct of any trial, should one eventuate. The defendants have been excused from appearing at the first three of these dates.

**August 17:** one week of hearings about pre-trial applications

**September 14:** one week of hearings about pre-trial applications

**October-November** (dates to be confirmed):  
two weeks of pre-trial applications

**December 18, 9am:** required appearance by all 18 defendants

**Early-to-mid 2010:** more pre-trial applications



Kia ora,

This newsletter is from October 15th Solidarity Wellington. We send out irregular updates on the campaign to support the people arrested in the so-called 'anti-terror' raids in Aotearoa (New Zealand) on 15 October 2007, 19 February and 17 April 2008.

There are Solidarity crews working around the country. If you would like to get involved or start your own solidarity crew, email [info@october15thsolidarity.info](mailto:info@october15thsolidarity.info) for more details. You can make a financial donation to the campaign by direct deposits or automatic payments at any Kiwibank. Account name: October 15 Solidarity, Account Number: 38-9007-0239672-000. Please specify if the money is for 'legal defence', for 'arrestee support' or for 'campaign work'. Cheques made out to 'October 15 Solidarity' can be posted to October 15 Solidarity, PO Box 9263, Wellington, New Zealand. If you would like to submit writing, photos, stories, or responses please get in touch!

[info@October15thSolidarity.info](mailto:info@October15thSolidarity.info)

[www.October15thSolidarity.info](http://www.October15thSolidarity.info)

## Tino Rangatiratanga in action: Hapū government poised to take back island

The Takimoana Government is on course to vest the Crown owned Whangaokena (East Island) in the Māori owners. 'Whangaokena was acquired by the Crown illegitimately in 1897 alienating the Māori owners from their ancestral lands. We are endeavouring to right the wrongs inflicted upon our Tipuna by returning all Crown land within the rohe Takimoana into the hands of the Māori owners' said Henry Koia, Kaitiaki of Land.

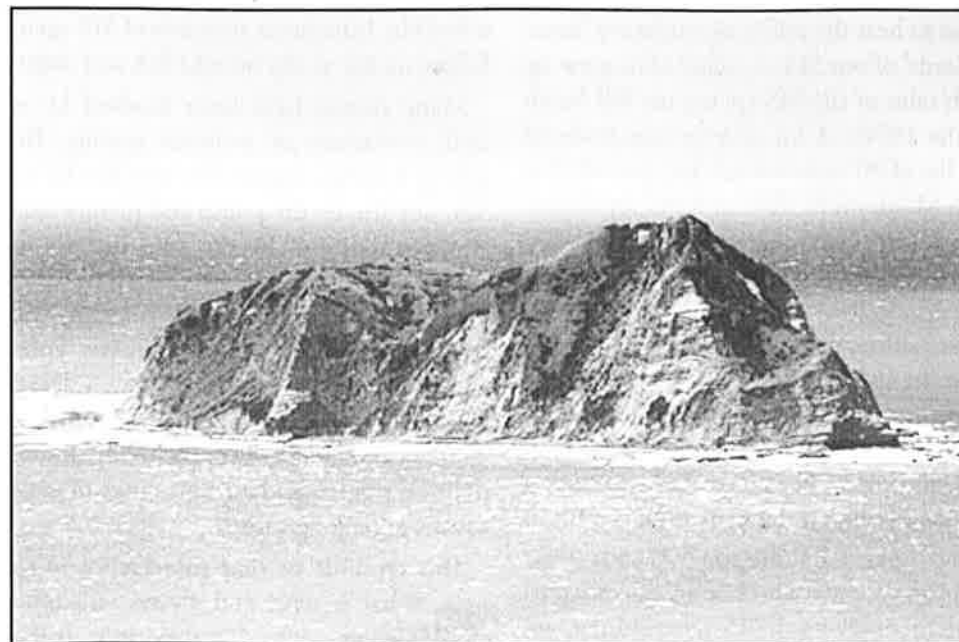
The Takimoana Government was constituted in June last year by the Takimoana hapū, with powers of government that supersede those of the British Monarch and the New Zealand Parliament. At its first session the governing council approved its rules of procedure; declared its rohe (territorial) boundaries; struck down Hobson's proclamation of sovereignty; declared Takimoana independence; struck down the Foreshore and Seabed Act 2004; and vested the full legal and beneficial ownership of the Takimoana foreshore and seabed in the governing council.

'Whilst the Ngāti Porou foreshore and seabed deal cements Crown ownership of the foreshore and seabed of other East Coast hapū, and turns them into Crown agents, Takimoana is the only hapū anywhere that owns its foreshore and seabed outright. Whangaokena is just the next installment in our government objective of returning all Crown land to Māori ownership and control' said Mr Koia.

The power to vest Whangaokena lies in article 5 of the Takimoana Government Deed of Constitution. "The constitution gives us the power. The rules regulate the manner in which that power is to be exercised" said Mr Koia.

Part 6 of the rules of procedure regulates the manner in which title to Crown land can be transferred to the governing council or the Māori owners. At its first session the governing council declared its intentions to order the vesting of Whangaokena in the Whanga-o-kena Council of Owners. 'Our rules required us to give the Crown six months to file submissions on why the governing council should not carry out its declared intentions. The Minister in charge of Crown land was served with due notice and has elected not to make any submissions within the allowed period' said Mr Koia.

Mr Koia has prepared a report as required under the rules which will form the basis of any governing council decision to order the vesting of Whanga-o-kena. 'I am required to send a copy of my report to every Kaitiaki on the roll of members. But I will also be sending a copy of it to every MP as well, so that Parliament is fully informed of what is happening here on the East Coast' said Mr Koia.



Whangaokena (East Island)

Remember the State Terror Raids...

## October 15th Solidarity newsletter

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Campaign update

Issue 13

### On the road to victory! Operation 8 defendants win bail changes



All 18 defendants in the 'state terror case' entered NOT GUILTY pleas to various charges including illegal possession of weapons and participation in a criminal group in the Auckland High Court on May 15th. Some of the defendants entered the plea themselves (some in Te Reo Māori) while others were represented by defence lawyers.

This was the first time that all of the defendants had appeared in the High Court. Proceedings were moved to the High Court from the District Court in March.

The hearing started at 9am with supporters holding banners and handing out fliers outside court.

After a short adjournment, the bail conditions were revisited. Crown prosecutor Ross Burns offered to reduce the reporting to police from bi-weekly to bi-monthly and

allow association between defendants for the purpose of legal meetings with lawyers present and with Detective Sergeant Aaron Pascoe to be notified three days in advance. One accused challenged the Crown's proposals. The judge concluded that he failed to see the relevance of non-association orders, that all defendants would be free to travel to Rūātoki, and that reporting would be dropped to three times a year (in August, December and April). This is a major victory for all defendants and their families.

The next hearing at which defendants are required to appear is scheduled for 18th December 2009. In the weeks of 17 August and 14 September, pre-trial applications will be heard in the High Court. These applications relate to the admissibility of evidence and the warrants used in the case.

These court hearings are open to all and we encourage people to go along to support the defendants and find out what is going on.

It's a long road to freedom...



## The Slum Post: Awarded for journalistic 'excellence'

In May, the *Dominion Post* newspaper (better known in Wellington as the SlumPost) reports that 'reporting excellence in the *Dominion Post* and on its website has been recognised at the Qantas Media Awards.' First and foremost among the winners is 'senior news reporter' Phil Kitchin. Among his pieces of 'reporting excellence' this year was dobbing in a person doing work while receiving a few dollars in ACC payments at the same time. Everyone loves a nark.

In 2007, when he and Fairfax publisher Tim Pankhurst were the winners of the 'Print Industry Award for Outstanding Achievement,' Kitchin's journalistic highlight was the breaking of court suppression orders relating to Operation 8. On 14 November, several days after the Solicitor General summarily dismissed any terrorism charges he published his groundbreaking piece 'The Terror Files.' In it he quoted selectively and out of context from bugged conversations listed in a police affidavit that was used to obtain search and interception warrants against the accused. The quotes gave the impression that the country had narrowly escaped being blown to pieces. The paper was later charged with contempt of court. They defended the charges, arguing that their duty to inform the public weighed higher than the court orders.

This overriding duty to keep the public informed seems have been something that Kitchin has become aware of only recently. The year before, he was not so keen to inform the public when Assistant police commissioner Clint Rickards, and former cop

mates Bob Schollum and Brad Shipton were in court on charges of gang rape. The fact that Schollum and Shipton were at the time serving jail sentences for very similar rapes was withheld from the jury, as well as the fact that Rickards had been on trial for rape before. At the same time, every aspect of the life of the complainant, Louise Nicholas, was dissected in court for weeks. Kitchin knew about the past of the three cops and ex-cops when he reported about the trial, but in this case, he and the newspaper's editor decided to keep quiet.

The pattern is quite clear — when reporting about people who are not in a position to hit back, anything goes. Kitchin, like most reporters in the mainstream media, has no problem breaking the law in order to get a sensational headline. This was the case with the 'The Terror Files.' Kitchin knew that the accused could only publicly disprove what he had written at their peril — by breaking the court orders themselves — which no doubt would have worsened their position in court and may have even landed them back in jail. However, when the subjects of his stories are associated with the State, Kitchin is not prepared to risk anything and obeys the status quo.

There is hope that we will be spared Kitchin's exposés for a little while. The *DomPost* reports that he is currently out of the country, 'studying investigative journalism at Britain's Cambridge University for 10 weeks, as part of his prize from last year's Qantas awards.' The prize for 'reporting excellence' is a crash course in journalism? Strange world.



## Surveillance: same shit, different decade



*Undercover police officer at Gaza solidarity protest, Jan 2009*

There was a quiet gathering in Wellington in November 2006. It was a confidential meeting of the world's top spy chiefs. The head of the CIA, ASIO (the Australian SIS), the Canadian SIS, the British MI6 and more. They were all here to celebrate the 50th anniversary of New Zealand's Security Intelligence Service (SIS).

It would have been a good party to listen in on to hear the self-congratulatory 'heroic deeds' of our SIS — many of us grew up with tales of the SIS spying on Bill Sutch in the 1970s. A lot of hype was made of the list of 20 'subversives' they provided to Rob Muldoon in 1981 and the spy's briefcase found that same year — it contained a sandwich, a *Listener* article and notes. It was also said to contain some R18 magazines, although this has always been denied. In 1986 there was media hype when a Ministry of Education worker was approached by the SIS to spy on people in her workplace; her co-worker was one of the people who threw eggs at Queen Elizabeth II. Aziz Choudry received an apology from the Crown and got an out-of-court settlement after two SIS agents broke into his home in 1996. Then there was Ahmed Zaoui who was labelled a security risk by the SIS in 2002. In 2004 a SIS agent quit

because he believed the SIS was wrong in spying on different Māori organisations and people.

This year there have been the tales of the SIS spying on children in the 1950s and 60s. Marie Leadbetter was followed when she was a ten year-old girl. There are also notes on Keith Locke's file dating back to when he was a young teenager. Marie and Keith's mother, Elsie Locke, also has a detailed file. It includes accounts of SIS agents following her as she bought fish and chips.

Many people have been shocked by recent revelations of intimate spying. This spying is being undertaken not just by the SIS, but also by the police and private security organisations. Recent cases include the use of paid informants by Thompson Clark Private Investigators to spy on Happy Valley, animal rights and peace activists. Police paid Rob Gilchrist for more than a decade — up until his exposure in late 2008 — to spy on a variety of groups including unions, political parties, and a whole range of grassroots campaign groups.

This reminds us that surveillance is not new. What is new, and always will be, is the ways and means that they do it. If they could have had a tracking device back in the 1950s, they would have used one as they

followed Elsie Locke around New Zealand.

What changes is also the 'enemy.' For years, it was the fear of the 'Reds.' Communists were the baddies. Trade unionists, socialists, Māori activists, unemployed rights activists and anti-nuclear protestors were the ones to be watched. Now, Muslims, environmentalists, animal rights activists and anarchists have been added to the list. Even 'terrorist' is not a new label in this country. It has been part of the police and State vocabulary for a long time.

In 1973 US agents came to Wellington to train NZ police in surveillance of terrorists and criminals. Within a few years, the first cop was 'officially' employed as an undercover agent. In 2007 he published his autobiography (*Adrenalin Rush* by Andy Bell); it makes for interesting reading. Bell's second ever job as an undercover cop was to infiltrate the Wellington Resistance Bookshop and Halt All Racist Tours (HART). He recounts in his book how he succeeded in sleeping his way into a position of power.

Another police officer's autobiography (*Cover-ups and Cop-outs* by Tom Lewis, 1998) talks about one role of the Criminal Intelligence Service (CIS) being to 'work in close liaison with the SIS.' Before royal tours the CIS were 'to update dossiers on

radicals, anti-monarchists and extremists.' Lewis goes on to say, 'the compiling of dossiers on people became ridiculous....they were kept on people because they belonged to groups or organisations not because of anything they had done. It became difficult to distinguish between dissenters and criminals....'

Put into historic context, the October 15th raids, Rob Gilchrist, private spies and the SIS files are not new and extraordinary. They are part of an on-going campaign of spying, harassment and intimidation by the State of people who threaten the status quo. They highlight the basic truth that repression of political activists is essential to maintaining the exploitative social order and 'keeping the peace.'

We cannot get scared by surveillance. We must assume that it is there, as it has always been. We must continue to learn to work around it and even with it.

We have to ensure that the next time there is a quiet gathering of the world's chief spies in this country, they are outed and publicly humiliated as the fools that they are. They are the real enemy of the people, not the activists, protestors and community organisations and groups that they spy on!

The SIS and police are agents of social control and must be abolished.

*Uniformed officers regularly carry video and still cameras to protests. this photo: Auckland 2009*

